

BROWN & CONNERY, LLP

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Attorneys for Defendants, Gloucester County Prosecutor's Office and Gloucester County

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STACIE LICK,

Plaintiff,

vs.

**GLOUCESTER COUNTY
PROSECUTOR'S OFFICE, GLOUCESTER
COUNTY, THOMAS GILBERT (in his
individual and official capacity), JAMES
BALLENGER (in his individual and official
capacity), WILLIAM PERNA (in his
individual and official capacity), CHARLES
FIORE (in his individual and official
capacity), and JANE/JOHN DOES 1-5 (in
their individual and official capacities, if
applicable),**

Defendants.

Case No.: 21-cv-13564

NOTICE OF REMOVAL

TO: Clerk
United States District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
1 John F. Gerry Plaza
Fourth and Cooper Streets
Camden, New Jersey 08101

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants, Gloucester County Prosecutor's Office ("GCPO") and Gloucester County ("County") (hereinafter "Defendants"), hereby remove this action from the Superior

Court of New Jersey, Law Division, Gloucester County, to the United States District Court for the District of New Jersey.

PLEASE TAKE FURTHER NOTICE that the grounds for removal of this action are as follows:

1. On April 21, 2020, Plaintiff, Stacie Lick (“Plaintiff”), commenced a civil action in the Superior Court of New Jersey, Law Division, Gloucester County, entitled and captioned Stacie Lick v. Gloucester County Prosecutor’s Office, Gloucester County, Thomas Gilbert (in his individual and official capacity), James Ballenger (in his individual and official capacity), William Perna (in his individual and official capacity), Jane/John Does 1-5 (in their individual and official capacities, if applicable), Case No. GLO-L-000497-20 (hereinafter, the “State Court Action”). A true and correct copy of the Complaint is attached hereto as Exhibit “A.”

2. On June 25, 2021, the Superior Court of New Jersey, Law Division, Gloucester County granted Plaintiff’s Motion to Amend the Complaint pursuant to N.J. Ct. R. 4:9-1. A true and correct copy of the Order is attached hereto as Exhibit “B.”

3. On June 28, 2021, Plaintiff filed an Amended Complaint. A true and correct copy of the Amended Complaint is attached hereto as Exhibit “C.”

4. In the Amended Complaint, Plaintiff alleges, for the first time, statutory causes of action under 42 U.S.C. §1983 as to all Defendants, 42 U.S.C. §1985(3) as to Defendants Perna, Ballenger, and Gilbert, and 42 U.S.C. §1986 as to Defendant Fiore. See Exhibit “C,” at ¶¶ 310-339.

5. This Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 because Plaintiff's Amended Complaint alleges a cause of action arising under the laws of the United States. Therefore, Plaintiff's Amended Complaint asserts a federal question and is removable pursuant to 28 U.S.C. § 1441(a) and (c).

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it was filed within thirty (30) days of Defendants GCPO and the County's receipt of Plaintiff's Amended Complaint.

7. Venue in this District is proper under 28 U.S.C. § 1441(a) because this District includes the Superior Court of New Jersey, Law Division, Gloucester County, the forum wherein this action was pending.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal is being promptly served on counsel for Plaintiff and counsel for all individual defendants and a copy of this Notice of Removal is being promptly filed with the Clerk of the Superior Court of New Jersey, Law Division, Gloucester County.

9. No admission of fact, law, or liability is intended by the filing of this Notice of Removal and Defendants GCPO and the County expressly preserve any and all defenses, objections, denials, and/or motions available under state and/or federal law. By filing this Notice of Removal, Defendants GCPO and the County do not concede that Plaintiff is entitled to any damages sought in her Complaint.

10. Counsel for individual Defendants Gilbert, Ballenger, Perna, and Fiore have consented to the filing of this Notice of Removal.

WHEREFORE, Defendants GCPO and the County hereby remove this action from the Superior Court of New Jersey, Law Division, Gloucester County, to the United States District Court for the District of New Jersey.

Respectfully submitted,

BROWN & CONNERY, LLP

*Attorneys for Defendants, Gloucester
County Prosecutor's Office and Gloucester
County*

Date: July 12, 2021

By: s/ Therese M. Taraschi
Therese M. Taraschi, Esq.

CERTIFICATE OF SERVICE

I, Therese M. Taraschi, Esquire, hereby certify that, on July 12, 2021, I caused a true and correct copy of Defendants GCPO and the County's Notice of Removal, and supporting documents, to be served via electronic filing and regular mail upon the following:

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Superior Court of New Jersey
Gloucester County Court
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P.O. Box 129
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Michelle M. Smith, Clerk
Superior Court of New Jersey
Hughes Justice Complex
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P.O. Box 971
Trenton, New Jersey 08625

Date: July 12, 2021

BROWN & CONNERY, LLP
*Attorneys for Defendants, Gloucester
County Prosecutor's Office and
Gloucester County*

/s/ Therese M. Taraschi
Therese M. Taraschi, Esq.